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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 MARILYN MEYERS, o/b/o K.M.,

10 Plaintiff,

11 v.

12 JO ANNE B. BARNHART, Commissioner of
13 Social Security,

14 Defendant.

15 CASE NO. C06-5399RBL-KLS

16 ORDER

17 The Court, having reviewed defendant's motion to dismiss (Dkt. #8), the Report and
18 Recommendation of United States Magistrate Judge Karen L. Strombom, objections to the report and
19 recommendation, if any, and the remaining record, does hereby find and ORDER:

- 20 (1) the Court adopts the Report and Recommendation;
21 (2) the Commissioner erred as described in the report;
22 (3) defendant's motion to dismiss is denied;
23 (4) this matter is remanded to the Commissioner for further administrative proceedings as
24 described in the report; and
25 (5) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's counsel
26 and Magistrate Judge Karen L. Strombom.

27 DATED this 15th day of December, 2006.

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RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE